

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:24-CV-21463-ALTMAN/SANCHEZ

NEREYDA SUHEY CASTILLO MARENCO,

Plaintiff,

vs.

J.C. PAINTING CONTRACTOR LLC,
MARIA GONZALEZ, AND
TOMAS GONZALEZ,

Defendants.

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PLAINTIFF'S MOTION TO COMPEL FACT INFORMATION SHEETS

Plaintiff, Nereyda Suhey Castillo Marengo, through her undersigned counsel and pursuant to Fed. R. Civ. P. 64, 69, Local Rule 7.1, and other applicable Rules and laws, requests that the Court enter an Order compelling each of the Defendants, JC Painting Contractor LLC, Maria Gonzalez, and Tomas Gonzalez, to complete and return a Fact Information Sheet based on the following good cause:

MOTION TO COMPEL FACT INFORMATION SHEET

1. Rule 69(a)(2) of the Federal Rules of Civil Procedure entitles a prevailing party to employ discovery in furtherance of execution on a judgment:

In aid of the judgment or execution, the judgment creditor or a successor in interest whose interest appears of record may obtain discovery from any person--including the judgment debtor--as provided in these rules or by the procedure of the state where the court is located.

2. Rule 1.560(c) of the Florida Rules of Civil Procedure, in turn, permits a judgment creditor such as the Plaintiff to request of the Court the following:

In addition to any other discovery available to a judgment creditor under this rule, the court, at the request of the judgment creditor, **shall order the judgment debtor or debtors to complete form 1.977, including all required attachments, within 45 days of the order or such other reasonable time as determined by the court.**

3. Having secured a Final Judgment against Defendants, J.C. Painting Contractor LLC, Maria Gonzalez, and Tomas Gonzalez, Plaintiff requests that the Court require each Defendant to complete a Florida Form 1.977 Fact Information Sheet, including all attachments, within 15 days, in the form(s) appended hereto as Exhibits A,” “B” and “C”. *See Whitwam v. JetCard Plus, Inc.*, 2014 WL 6433226 (S.D. Fla. Nov. 13, 2014).

4. Plaintiff further requests the Court require each Defendant to complete the appropriate Florida Form 1.977 Fact Information Sheet in the form(s) appended hereto and “to fax and/or hand-deliver the same to Plaintiffs’ Counsel,” with all required attachments, within 30 days of service of the Fact Information Sheets on Defendant. *Rodriguez v. Super Shine & Detailing, Inc.*, 2013 WL 4786596, at *4 (S.D. Fla. Sept. 6, 2013).

5. Local Rule 7.1 specifically exempts post-judgment collection/execution motions from the conferral requirement, and so none has been made herein.

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests the Court to compel each Defendant to complete and return a Form 1.977 Fact Information Sheet, with all required attachments, to Plaintiff’s counsel within 30 days of service of the Fact Information Sheets on Defendants.

Respectfully submitted this 8th day of August 2024.

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EXHIBIT A